

IDAHO BOARD OF BARBER EXAMINERS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 7/13/2015

BOARD MEMBERS PRESENT: Kevin J. Moriarty - Chair
Kerry R Nave
Thomas E. Grimsman

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Eric Nelson, Board Prosecutor
Maurie Ellsworth, General Counsel
Mitchell Toryansky, Legal Counsel
Kim Aksamit, Technical Records Specialist I

OTHERS PRESENT: Brad Perkins, Debra Perkins, Becky Erickson,
Joe Fitzpatrick, Israel Rodenus, Barb DeHaan,
Katie Parkinson, Lou Starita, Thomas Galaviz,
Tony Smith, Jose J. Velasquez and Jenna R Irish

The meeting was called to order at 8:30 AM MDT by Kevin J. Moriarty.

APPROVAL OF MINUTES

Mr. Grimsman made a motion to approve the minutes of March 9, 2015 and June 16, 2015. It was seconded by Mr. Nave. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that any proposed law changes for 2016 need to be in by the first of August and proposed rule changes need to be submitted by the third week of August for the 2016 session.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$27,725.29 as of 06/30/2015.

FY 2015 RENEWAL CONTRACT

Ms. Hall presented the FY 2015 renewal contract to the members of the Board.

Mr. Nave made a motion to accept the contract and authorize the Chair to sign on behalf of the Board. It was seconded by Mr. Grimsman. Motion carried.

DISCIPLINE

MEMORANDUM

Mr. Nelson, presented a Memorandum regarding case numbers BAR-2015-8 and BAR-2015-9, the Board made its recommendations to its prosecuting attorney.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Grimsman made a motion to approve the bureau's recommendation and authorize closure with a warning letter in case I-BAR-2015-10 and I-BAR-2015-11 It was seconded by Mr. Moriarty. Motion carried.

MEMORANDUM

Ms. Peel presented to the Board a Memorandum regarding cases BAR-2015-6 and BAR-2015-7.

Mr. Grimsman made a motion to authorize closure with a warning letter. It was seconded by Mr. Nave. Motion carried.

DISCIPLINARY ACTION

Ms. Peel, presented several Stipulation and Consent Orders on cases BAR-2015-2, BAR 2015-3, BAR-2015-4, and COS-2015-5.

BAR-2015-2 and BAR-2015-3 Mr. Nave made a motion to accept the Settlement Order as signed and to authorize Mr. Moriarty to sign on behalf of the Board. It was seconded by Mr. Grimsman. Motion carried.

BAR-2015-4 and BAR-2015-5 Mr. Grimsman made a motion to accept the Settlement Order as signed and to authorize Mr. Moriarty to sign on behalf of the Board. It was seconded by Mr. Nave. Motion carried.

Mr. Ellsworth introduced Mitchell Toryanski as the Bureau's legal counsel. Mr. Toryanski will draft statutes and rules for boards and provide training to boards when appropriate. Mr. Toryanski provided information to the Board about a recent U.S. Supreme Court case decision regarding the North Carolina State

Board of Dental Examiners, which has the potential to affect regulatory boards throughout the United States.

RENEWAL/REINSTATEMENT

Mr. Toryanski also briefly reviewed the change in Idaho Code § 67-2614 in relation to the laws and rules of the Board. This statute changes the Bureau-wide reinstatement fee of a license to a total of \$35 and does away with payment of past renewal years.

BOARD MEMBER TRAINING

Mr. Toryanski presented Board member training.

Mr. Grimsman move that the Board enter executive session to discuss pending litigation with counsel per Idaho Code § 74-206(1) (f). The purpose of the Executive Session was to discuss the request of a payment arrangement with Jose Velasquez. It was seconded by Mr. Nave. The vote was: Mr. Moriarty, aye; Mr. Nave, aye; and Mr. Grimsman, aye. Motion carried.

Mr. Grimsman made a motion to come out of executive session. It was seconded by Mr. Moriarty. The vote was: Mr. Moriarty, aye; and Mr. Grimsman, aye. Motion carried.

REQUEST FOR PAYMENT ARRANGEMENT

Jose Velasquez addressed the board regarding payment arrangements.

Mr. Velasquez offered to pay \$150 a month and accept a Stipulation of Violation, Settlement Agreement and Order offered by the Board.

Mr. Grimsman made a motion to accept the Stipulation of Violation, Settlement Agreement and Order to have Mr. Velasquez pay \$150 a month in accordance with the agreement and renew and suspend Mr. Velasquez's licensure with the suspension to be stayed on an ongoing basis if agreed payments are made and authorize Mr. Moriarty to sign on behalf of the Board. It was seconded by Mr. Nave. Motion carried.

OLD BUSINESS

EXAMINATION

At the March 9, 2015 meeting Mr. Perkins asked the Board why a barber stylist needs to take the barber portion of the examination if they already hold a barber license.

Mr. Moriarty read an email from DL Roope Administrations stating that “it is to their benefit to test in the content areas that they already took as a barber 1 because they have already shown proficiency in those areas.”

Ms. Perkins addressed the Board and said a majority of their students get their barber license first and then go back and get the training for a barber stylist. She said taking the barber portion of the examination again is a redundancy.

Mr. Moriarty and Mr. Grimsman said they do not see any problems with the current examination. No action was taken.

NEW BUSINESS

NEXT MEETING was scheduled for November 9, 2015 8:30 AM MST at the Bureau of Occupational Licenses.

NATIONAL ASSOCIATION OF BARBER BOARDS OF AMERICA ANNUAL CONFERENCE

A motion was made by Mr. Grimsman to have Mr. Moriarty and Mr. Nave attend the National Association of Barber Boards of America 89th Annual Conference (NABBA) in Phoenix, Arizona and to cover all expenses including, hotel, meals, shuttle, car rental and per diem. It was seconded by Mr. Moriarty. Motion carried.

EXECUTIVE SESSION

Mr. Grimsman made a motion to go into executive session per Idaho Code 74-206 (1) (d), to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to discuss licensure applications. It was seconded by Mr. Moriarty. Motion carried. Individual vote was: Mr. Grimsman, aye; and Mr. Moriarty, aye.

Mr. Grimsman made a motion to come out of executive session. It was seconded by Mr. Moriarty. Motion carried. Individual vote was: Mr. Moriarty, aye; and Mr. Grimsman, aye.

APPLICATIONS

Mr. Grimsman made a motion to accept the application for Holly Harrelson and issue a barber instructor license. It was seconded by Mr. Moriarty. Motion carried.

Mr. Grimsman made a motion to accept the application for Joe Bernal and issue a barber license. It was seconded by Mr. Moriarty. Motion carried.

Mr. Grimsman made a motion to put the application for applicant 901136321

into pending until additional information is received and the Board Chair reviews it. It was seconded by Mr. Moriarty. Motion carried.

ADJOURNMENT

Mr. Grimsman made a motion to adjourn the meeting at 11:05 AM MDT. It was seconded by Mr. Moriarty. Motion carried.

Kevin J. Moriarty, Chair

Kerry R Nave

Thomas E. Grimsman

Tana Cory, Bureau Chief